

## PATENT

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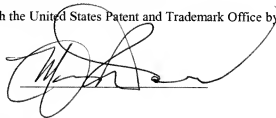
<b>Applicant:</b>	Aghvami, Abdol Hamid	<b>Art Unit:</b>	2617
<b>Serial No.:</b>	10/521,536	<b>Confirmation No.</b>	8768
<b>Filing Date:</b>	July 19, 2005	<b>Examiner:</b>	Holliday, Jaime Michele
<b>Title:</b>	Cellular Communications Systems	<b>Docket No.:</b>	KC-101(US)

**CERTIFICATE OF TRANSMISSION**

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on:

Date: February 11, 2008

**STATEMENT OF SUBSTANCE OF INTERVIEW WITH USPTO****EXAMINER ON JANUARY 31, 2008****IN COMPLIANCE WITH MPEP 713.04**

In accordance with MPEP Section 713.04, the following statement as to the substance of the telephone interview of January 31, 2008 is submitted. The participants in the telephonic interview included Examiner Jaime M. Holiday and Patent Agent Marvin R. Wachs, representing the Applicants.

The purpose of the interview was to present, to the Examiner, reasons why the Examiner cited prior references are not valid as grounds for rejection of the Applicant's patent claims. These references are comprised of Asanuma et al. (U.S. Patent No. 5,920,819), Wheatley, III et al. (U.S. Patent No. 6,381,230), and Rappaport (U.S. Patent No. 5,437,054).

Patent Agent Wachs began by summarizing the claim elements that differentiate the Applicant's claims from the cited prior references. These comprise the limitation to a CODE DIVISION MULTIPLE ACCESS (CDMA) communications system, the limitation of transmission of non-real time data, and the limitation of limiting interference exclusively by controlling transmit power level from the micro-base station. The fact that the teachings, suggestions and claims of the cited references were incompatible with the Applicant's defined system was presented. Specifically, the Asanuma and Rappaport teachings are only applicable to Frequency Division Multiple Access (FDMA) and Time Division Multiple Access (TDMA) systems in that they require a selection of channel frequencies or time slots, neither of which is available in a CDMA system.

Patent Agent Wachs then addressed the Applicant's claim limitation regarding the transmission of non-real time data as opposed to real time data. A reference, U.S. Patent No. 5,768,350 to Venkatakrishnan, was introduced into the discussion to provide a definition of the difference between real time and non-real time data. None of the cited references provided for the transmission of non-real time data as a component of a multiple access system.

The limitation of exclusive interference control by application of transmit power limitation of the micro base station was next addressed. It was observed that micro base station power limitation was not taught, suggested or claimed in the cited references.

In conclusion, it was observed that the combination of the Wheatley, III et al. reference with the other two cited references was additionally improper because the of their incompatibility with each other.

Based on these considerations, Patent Agent Wachs requested that the Examiner's rejections be withdrawn.

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Respectfully Submitted,

Date: February 11, 2008

A handwritten signature in black ink, appearing to read 'M. Wachs', written over a horizontal line.

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